

Notice of Allowability

Application No.

10/520,095

Examiner

Matthew S. Gart

Applicant(s)

KOKATSU ET AL.

Art Unit

3625

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Examiner's Amend 1/31/2008.
2. ☒ The allowed claim(s) is/are 1-3 and 5-43.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date See Continuation Sheet
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 1/31/2008.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Matthew S Gart/
Primary Examiner, Art Unit 3625

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 6/29/2006, 1/10/2006, and 1/04/2005 .

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mike Hilton (Ph. 248-641-1228) on January 31st, 2008.

In the Claims

The claims have been amended as follows:

1. (Currently Amended) A server system for distributing an electromotive power assisted bicycle that enables, via a communication network, an on-line shopping or a rental service of an electromotive power assisted bicycle comprising a primary bicycle unit having a traveling function basically provided by a pedal effort, which is assembled with components of an electromotive power assisting kit, in which said electromotive power assisting kit comprises at least:

a pedal effort detection means adapted to detect the pedal effort;

a drive unit adapted to output an electromotive power based on the detected pedal effort in accordance with a control program;

a force-combining means for combining the output electromotive power with the pedal effort; and

a battery for said drive unit;

wherein a plurality of options are made available for at least one component of said electromotive power assisting kit;

said server system for distributing an electromotive power assisted bicycle comprising:

a control means;

a communication means connectable to a user terminal via the communication network;

a first searching means for searching bicycle information defining said primary bicycle unit; and

a second searching means for searching electromotive power assisting information defining said electromotive power assisting kit, wherein said control means includes:

a first display function for indicating at least a part of said bicycle information in said user terminal under a condition where a plurality of types of primary bicycle unit is made available for a user to choose;

a second display function for indicating at least a part of said electromotive power assisting information in said user terminal under a condition where some components of the electromotive power assisting kit having a plurality of options that have been made available for a user to choose; and

a designing function for creating design information so that, when any one of the types of the primary bicycle unit is selected in said user terminal, creates design information to allow the components of the electromotive power assisting kit to be assembled with the selected type of primary bicycle unit, and when any one of said components of said electromotive power assisting kit having a plurality of options is selected and determined in said user terminal, said electromotive power assisting kit containing said component of selected aspect can be assembled with said primary bicycle unit.

4. (Canceled)

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Regarding Independent claims 1 and 43

Claims 1 and 43 recite a server system for distributing an electromotive power assisted bicycle, said server system, *inter alia*, comprising: a control means wherein said control means includes ... a first display function for indicating at least a part of said bicycle information in said user terminal under a condition where a plurality of types of primary bicycle unit is made available for a user to choose ... and a designing function for creating design information so that, when any one of the types of the primary bicycle unit is selected in said user terminal, creates design information to allow the components of the electromotive power assisting kit to be assembled with the selected type of primary bicycle unit.

The most remarkable prior art of record is to Matsumoto (U.S. Patent No. 5,857,537) and Electricscooterland.com (PTO-892, Ref U).

Matsumoto is directed to a motorized bicycle that includes an electric motor, a motor current detector, a pedaling force detector and a controller. The controller compares the range of fluctuation in a pedaling force detected by the pedaling force detector with a predetermined range value, and stops the driving of the electric motor if the fluctuation range of the pedaling force is kept smaller than the predetermined range

value for more than a predetermined time period. However, Matsumoto is silent to a server system for distributing such a motorized bicycle.

Electricscooterland.com is a website that offers electric scooter and electric bicycle sales and service. Once a user visits Electricscooterland.com, they are able to choose from a standardized line of electric bikes (see page 3). However, Electricscooterland.com does not allow a user to choose a primary bicycle unit and create design information to allow the components of the electromotive power assisting kit to be assembled with the selected type of chosen primary bicycle unit.

None of the prior art of record remedies the deficiencies found in Matsumoto and Electricscooterland.com. Furthermore, neither the prior art, the nature of the problem, nor knowledge of a person having ordinary skill in the art, provide any reasonable rationale to combine prior art teachings.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

EXAMINER COMMENTS

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statements (IDS)

The IDS's submitted on 6/29/2006, 1/10/2006, and 1/04/2005 has been considered by the Examiner.

Drawings

The drawings submitted on 1/04/2005 have been accepted by the Examiner.

CONCLUSION

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

<http://andyscycle.com>, <retrieved from waybackmachine.org, retrieved on 1/29/2008>, discloses a family-owned business that specializes in expert sales and service for a wide stock of bicycles, bike accessories, mopeds and gopeds.

<http://nycewheels.com>, <retrieved from waybackmachine.org, retrieved on 1/29/2008>, discloses a selection of electric scooters.

Keller et al., Patent Application Publication 2003/0050849 A1, discloses a method for supplier/reseller interaction.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-272-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Matthew S Gart/

Primary Examiner, Art Unit 3625